

1 **Rule 4-701. Failure to Appear.**

2 **Intent:**

3 To establish a procedure for handling cases in which the defendant fails to appear and fails to  
4 forfeit bail.

5 **Applicability:**

6 This rule shall apply to cases in which the defendant's appearance is not required.

7 **Statement of the Rule:**

- 8 (1) When a case is filed, the clerk may mail to the defendant a notice indicating the bail  
9 amount. If the defendant fails to appear or forfeit the bail amount within fourteen days after  
10 receiving a citation, the clerk may increase the bail amount by \$50 and mail the defendant  
11 a delinquency notice.
- 12 (2) If the defendant fails to appear or forfeit the bail amount within forty days after receiving a  
13 citation, the court may increase the bail amount by \$75 and issue a warrant for failure to  
14 appear; ~~a separate offense of Failure to Appear need not be filed.~~
- 15 (3) If the defendant is a juvenile, the court may issue a bench warrant or order to take the  
16 defendant into custody. If a bench warrant is issued, a special designation or "flag" shall  
17 be placed on the warrant indicating that the defendant is a juvenile.
- 18 (4) If a minor fails to appear in juvenile court on a charge which would constitute an infraction  
19 if committed by an adult:
- 20 (4)(A) The court shall not issue an Order for Detention.
- 21 (4)(B) The court may authorize the probation department to file an order to show cause.

22 *Effective November 1, 2018*